

## **Select Board Fiscal Year 2002**

The unfortunate flag controversy began as a routine item on the Select Board's agenda. In his Commemorations budget for FY 2002, the Town's Veterans Agent had requested \$1000 for the purchase of additional flags, to supplement, for festive purposes, those flown by the Town every day on the Town Common, the police station, and the schools, as well as on other buildings such as the post offices and Amherst College. The request was included in the budget approved by Annual Town Meeting. Following a mid-August "test" display of the flags, which drew much attention, pro and con, it was then the Select Board's responsibility to decide when to fly the new flags. At the conclusion of a well-attended, sometimes contentious public meeting on September 10, 2001, the Board Voted – in agreement with a number of members of the audience – to display these commemorative flags on six specific national holidays or holiday weekends during the year. The events of September 11, however, took the implementation of this policy out of the realm of any conceivable routine. In the understandably emotional climate following the crisis, an erroneous report in the national media spread the word that Amherst, Massachusetts had banned the display of the United States flag on all but six days a year. In spite of innumerable attempts by the Town to correct these errors, outraged and often abusive messages came pouring in, for months, from all over the country – by mail, by telephone, and by way of the newly established e-mail addresses for Select Board and Town offices. By the end of the fiscal year, the commemorative flags had been hoisted and lowered several times, in accordance with the policy, and a number of citizens commented on the festiveness of their appearance on the various holidays, which had been the Select Board's intention.

On December 29, 2001, the legislature enacted into law Chapter 216 of the Acts of 2001, an Act Relative to the Amherst Town Government. This replaces the Representative Town Meeting Act as amended, and the Town Manager Act, as the charter of the Town.

Meanwhile, the Charter Commission was hard at work throughout the year. By the time the Annual Town Meeting convened on April 24, 2002, the Commission had agreed to recommend a form of Town government without town meeting and was debating other aspects of a proposal to be published in August. The prospect that this could be one of the last town meetings in Amherst was frequently alluded to during debate, together with largely unsuccessful appeals to help preserve the institution by streamlining the proceedings.

In the Town election, on March 26, 2002, Carl Seppala and Eva Schiffer were re-elected to the Select Board. Subsequently, Carl Seppala was re-elected as chair, Eva Schiffer as vice-chair, and Dolly Jolly as clerk.

At a Special Town Meeting, on May 20, 2002, a warrant article to withdraw Amherst from membership in the Hampshire Council of Governments was approved. Approval of a second warrant article authorized conveyance to the Amherst Cinema of a forty-foot-

wide strip of the Town-owned parking lot adjacent to the Cinema, if the proposed facility is built. This action represents a small contribution of the Town to the ambitious fundraising and renovation project that has been undertaken by the group now owning the building; this enlargement of the “footprint” was considered necessary to ensure the viability of the planned enterprise.

In the spring of 2001, the Select Board had signed a resolution to participate in the Cities for Climate Protection Program sponsored by the International Council for Local Environmental Initiatives (ICLEI). At an ICLEI workshop in Seattle, in February 2002, Select Board member Anne Awad and Stephanie Ciccarello of the Conservation Department accepted an award in recognition of Amherst's having completed the first of five designated milestones, a baseline emissions inventory for both community and municipal operations.

Early in the fiscal year, the Town's urgent request for a Special Permit to raise the landfill by ten feet, thereby extending its life by two years and ensuring revenues for the Solid Waste Enterprise Fund for another six to seven, was denied by the Zoning Board of Appeal. As a result, the time when solid waste operations would have to be funded entirely by the property tax moved closer, though no exact date had yet emerged as the year ended. In the meantime, at the recommendation of the new Superintendent of Public Works, Town Meeting appropriated \$400,000 to explore the feasibility of a “bioreactor,” a promising and environmentally friendly technology to decompose trash and stabilize the landfill more quickly, while generating methane in large enough amounts to make it potentially useful or even marketable.

An extremely contentious debate around the affordable-housing development, Butternut Farm, on Longmeadow Drive, proposed under Chapter 40 B of the Massachusetts General Laws, continued through the year. A group of abutters in this residential neighborhood of single-family houses continued its opposition even after the project had been approved by the Zoning Board of Appeals and after warrant articles sponsored by the group and related to the issue had been defeated by Town Meeting; the group appealed to the courts, which is where the project rested at the end of the year.

The zoning issue with the most far-reaching implications developed when Barkowski Meadows, in North Amherst, the first development proposal in a Farmland Conservation district since the establishment of this type of overlay zoning in the late '80s, was brought before the Planning Board. Though the project was eventually approved, potentially fatal flaws in the zoning bylaw were revealed in the process. These led to several attempts to redefine overlay districts, while protecting the Town from court challenges that could jeopardize protection for some 1200 acres of presently protected open space. A proposed new zoning bylaw entitled "Critical Resource Districts" was referred by Annual Town Meeting back to the Planning Board.

One issue was resolved by the end of the fiscal year, without further involvement of the Select Board: After years of stalemate based on neighborhood opposition to a small commercial development that would have involved rezoning Amity Street from Limited to General Business between the Amherst Cinema and South Prospect Street, the property was sold to the Peoples Bank. Though initially opposed to this as well,

neighbors grew to support the final design approved by the Planning Board toward the end of June. The start of the long-delayed work by the state on the two major intersections—Amity/ Main and Pleasant Street, and Route 9 and Pleasant Street—was imminent in June, as was work on the reconfiguration of Lessey Street and the entrance to the new parking garage. A multitude of street resurfacing and sidewalk projects were also promised for the summer, all adding up to the prospect of significant short-term traffic congestion leading to long-term improvements.

The Town Manager guided the Town through multiple challenging issues, including the budget, and to within sight of the opening of the parking garage, before going on medical leave, after the conclusion of Town Meeting in June.

The state's dismal financial outlook and its impact on the local budget process weighed on everyone's mind throughout this fiscal year fraught with complex and difficult issues. Shrinking state revenues due to the market downturn and its effect, especially on capital gains, in combination with tax cuts approved by the voters, threatened local aid, education, and human services funding, among others. In response to recommendations by the Finance Committee, moderate budget proposals were cut even further. Following warning signals from Boston, another list of even more drastic cuts was identified in the municipal as well as the elementary school budget; these fortunately proved unnecessary when the legislature tentatively supported tax increases, a "freeze" at 5.3% of the incremental income-tax cut approved by voters two years ago, and a significant use of the state's dwindling reserves. As a result, essentially status-quo budgets, with some cuts and only minimal increases other than contractually settled salaries, and the use of \$1.2 million from reserves, were voted by Town Meeting in June. Once again, Town Meeting was forced to balance its budget in the absence of a final vote on the state budget. This uncertainty, and the possibility that adjustments might have to be made by Fall Town Meeting, was more troubling than ever: given continued reports of declining revenues and the much diminished state reserves, the outlook for FY 04 for local aid alone was gloomy, especially for a Town budget that will be \$1.2 million out of balance to begin with.

Carl Seppala, Chair  
Eva Schiffer, Vice-Chair  
Dolly Jolly, Clerk  
Anne Awad  
Eddy Goldberg